

§ 1915.8

person who meets the applicable portions of the criteria set forth in paragraph (c) of this section as a competent person who is limited to performing testing to the following situations:

(i) Repair work on small craft in boat yards where only combustible gas indicator tests are required for fuel tank leaks or when using flammable paints below decks;

(ii) Building of wooden vessels where only knowledge of the precautions to be taken when using flammable paints is required;

(iii) The breaking of vessels where there is no fuel oil or other flammable hazard; and

(iv) Tests and inspections performed to comply with §§1915.35(b)(8) and 1915.36(a)(5).

(2)(i) The employer shall maintain either a roster of designated competent persons or a statement that a Marine Chemist will perform the tests or inspections which require a competent person.

(ii) The employer shall make the roster of designated persons or the statement available to employees, the employee's representative, the Director or the Assistant Secretary upon request.

(iii) The roster shall contain, as a minimum, the following:

(A) The employers' name,

(B) The designated competent person's name(s), and

(C) The date the employee was trained as a competent person.

(c) *Criteria.* The employer shall ensure that each designated competent person has the following skills and knowledge:

(1) Ability to understand and carry out written or oral information or instructions left by Marine Chemist, Coast Guard authorized persons and Certified Industrial Hygienists;

(2) Knowledge of subparts B, C, D and H of this part;

(3) Knowledge of the structure, location, and designation of spaces where work is done;

(4) Ability to calibrate and use testing equipment including but not limited to, oxygen indicators, combustible gas indicators, carbon monoxide indicators, and carbon dioxide indicators, and to interpret accurately the test results of that equipment;

29 CFR Ch. XVII (7–1–13 Edition)

(5) Ability to perform all required tests and inspections which are or may be performed by a competent person as set forth in subparts B, C, D and H of this part.

(6) Ability to inspect, test, and evaluate spaces to determine the need for further testing by a Marine Chemist or a Certified Industrial Hygienist; and

(7) Ability to maintain records required by this section.

(d) *Recordkeeping.* (1) When tests and inspections are performed by a competent person, Marine Chemist, or Certified Industrial Hygienist as required by any provisions of subparts B, C, D, or H of this part, the employer shall ensure that the person performing the test and inspection records the location, time, date, location of inspected spaces, and the operations performed, as well as the test results and any instructions.

(2) The employer shall ensure that the records are posted in the immediate vicinity of the affected operations while work in the spaces is in progress. The records shall be kept on file for a period of at least three months from the completion date of the specific job for which they were generated.

(3) The employer shall ensure that the records are available for inspection by the Assistant Secretary, Director, and employees and their representatives.

[59 FR 37856, July 25, 1994]

§ 1915.8 OMB control numbers under the Paperwork Reduction Act.

The following sections or paragraphs contain a collection of information requirement which has been approved by the Office of Management and Budget under the control number listed.

29 CFR citation	OMB control No.
1915.11–1915.16	1218–0011
1915.83	1218–0259
1915.87	1218–0259
1915.88	1218–0259
1915.89	1218–0259
1915.113	1218–0220
1915.152(b)	1218–0215
1915.152(e)	1218–0215
1915.159(d)	1218–0215
1915.160(d)	1218–0215
1915.172	1218–0220
1915.501(d)	1218–0248
1915.502(a)	1218–0248

Occupational Safety and Health Admin., Labor

§ 1915.11

29 CFR citation	OMB con- trol No.
1915.502(b)	1218-0248
1915.502(c)	1218-0248
1915.502(d)	1218-0248
1915.504(a)	1218-0248
1915.505(a)	1218-0248
1915.505(b)	1218-0248
1915.505(d)	1218-0248
1915.506(b)	1218-0248
1915.507(c)	1218-0248
1915.508(a)	1218-0248
1915.508(b)	1218-0248
1915.508(c)	1218-0248
1915.508(d)	1218-0248
1915.508(e)	1218-0248
1915.508(f)	1218-0248
1915.1001	1218-0195
1915.1003	1218-0085
1915.1004	1218-0084
1915.1006	1218-0086
1915.1007	1218-0083
1915.1008	1218-0087
1915.1009	1218-0089
1915.1010	1218-0082
1915.1011	1218-0090
1915.1012	1218-0080
1915.1013	1218-0079
1915.1014	1218-0088
1915.1015	1218-0044
1915.1016	1218-0081
1915.1017	1218-0010
1915.1018	1218-0104
1915.1025	1218-0092
1915.1026	1218-0252
1915.1027	1218-0185
1915.1028	1218-0129
1915.1030	1218-0180
1915.1044	1218-0101
1915.1045	1218-0126
1915.1047	1218-0108
1915.1048	1218-0145
1915.1050	1218-0184
1915.1120	1218-0065
1915.1200	1218-0072
1915.1450	1218-0131

[61 FR 5509, Feb. 13, 1996, as amended at 62 FR 33547, June 20, 1997; 63 FR 13340, Mar. 19, 1998; 70 FR 13371, Mar. 21, 2005; 71 FR 38086, July 5, 2006; 77 FR 19, Jan. 3, 2012]

§ 1915.9 Compliance duties owed to each employee.

(a) *Personal protective equipment.* Standards in this part requiring the employer to provide personal protective equipment (PPE), including respirators and other types of PPE, because of hazards to employees impose a separate compliance duty with respect to each employee covered by the requirement. The employer must provide PPE to each employee required to use the PPE, and each failure to provide PPE to an employee may be considered a separate violation.

(b) *Training.* Standards in this part requiring training on hazards and re-

lated matters, such as standards requiring that employees receive training or that the employer train employees, provide training to employees, or institute or implement a training program, impose a separate compliance duty with respect to each employee covered by the requirement. The employer must train each affected employee in the manner required by the standard, and each failure to train an employee may be considered a separate violation.

[73 FR 75587, Dec. 12, 2008]

Subpart B—Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment

SOURCE: 59 FR 37857, July 25, 1994, unless otherwise noted.

§ 1915.11 Scope, application and definitions applicable to this subpart.

(a) *Scope and application.* This subpart applies to work in confined and enclosed spaces and other dangerous atmospheres in shipyard employment, including vessels, vessel sections, and on land-side operations regardless of geographic location.

(b) *Definitions applicable to this subpart.* *Adjacent spaces* means those spaces bordering a subject space in all directions, including all points of contact, corners, diagonals, decks, tank tops, and bulkheads.

Assistant Secretary means the Assistant Secretary of Labor for Occupational Safety and Health, or designated representative.

Certified Industrial Hygienist (CIH) means an industrial hygienist who is certified by the American Board of Industrial Hygiene.

Coast Guard authorized person means an individual who meets the requirement of appendix B to subpart B of this part 1915 for tank vessels, for passenger vessels, and for cargo and miscellaneous vessels.

Dangerous atmosphere means an atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (i.e., escape unaided from a confined or